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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,829	03/25/2004	Kathryn M. Wehner	P00880-US-00	9060
31835	7590	11/29/2005	EXAMINER	
RUSSELL E. FOWLER, II ICE MILLER ONE AMERICAN SQUARE, BOX 82001 INDIANAPOLIS, IN 46282-0002			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,829

Applicant(s)

WEHNER, KATHRYN M.

Examiner

Lee Y Quach

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, 10-12, 14 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 14, 19, 20 and 23 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 10-12, 17, 18, 21, 22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment/Arguments

1. The indicated allowability of claims 3, 4, 5 and 16 is withdrawn in view of the newly discovered reference(s) to West et al., Li, Dassanayake and Jacob et al. Rejections based on the newly cited reference(s) follow.

Claim Objections

2. Claims 18 and 21 are objected to because of the following formalities: In claim 18, this claim depends on a cancelled claim 16. In claim 21, line 3, the term "are" is incorrect and should be changed to --is-- in view of the previous term "each" on the same line. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 7 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by West et al.

West et al. show a reflector (figure 2) for reflecting light into a light beam, the direction of propagation of the light beam defining locations in front of the reflector, a light pipe (light guide, figure 2) positioned in front of the reflector so that the light pipe extends vertically from a top to a bottom of the reflector, a light source carrier (figure 2, the carrier supporting the light source) positioned behind the light pipe, at least one light source (LED, figure 2) positioned on the carrier and arranged and disposed to emit light on to the reflector, the at least one light source comprised of a plurality of light emitting diodes (paragraph 0030, line 2) such as a first at least one light source and a second at least one light source positioned to emit light into the light pipe, and the light pipe positioned in the path of the light beam. Note that the recitation "an

Art Unit: 2875

automotive lamp assembly ..." has not been given patentable weight because the recitation occurs in the preamble where it merely recites the intended use of a structure, and the structural limitations in the body of the claim are able to stand alone and do not depend on the preamble for completeness.

5. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Li.

Li shows a plurality of light emitting diodes (802, 804) arranged and disposed to direct light in a direction substantially opposite a forward direction, a reflector (806) arranged and disposed to receive light from the diodes and reflect the light in the forward direction thereby forming the light beam, an LED carrier (carrier supporting the diodes) positioned in front of the reflector such that each of the diodes is positioned upon the carrier, and a light pipe (816) positioned in front of the carrier. Note that the recitation "an automotive lamp assembly ..." has not been given patentable weight because the recitation occurs in the preamble where it merely recites the intended use of a structure, and the structural limitations in the body of the claim are able to stand alone and do not depend on the preamble for completeness.

6. Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dassanayake.

Dassanayake shows a reflector (40) having a plurality of facets (42) vertically arranged upon the reflector for reflecting light into a light beam, the direction of propagation of the light beam defining locations in front of the reflector, a light pipe (30) positioned in front of the reflector, a light source carrier (the carrier supporting the light source, figure 2) having a front side and a back side, the carrier positioned behind the light pipe, at least one light source (22) positioned on the carrier and arranged and disposed to emit light on to the reflector, and each of the facets having a distinct focal point (column 3, lines 30 to 31). Note that the recitation "an automotive lamp assembly ..." has not been given patentable weight because the recitation occurs in the preamble where it merely recites the intended use of a structure, and the structural limitations in the body of the claim are able to stand alone and do not depend on the preamble for completeness.

Art Unit: 2875

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. in view of Jacob et al.

West et al. disclose the invention substantially as claimed with the exception of having the light source carrier comprised of a heat sink.

Jacob et al. teach a light source carrier comprised of a heat sink (22) for supporting the light emitting diodes (26) while conducting the heat away from the diodes.

It would have been obvious to one skilled in the art to comprise the carrier of West et al. with a heat sink, as shown by Jacob et al., for conducting the heat away from the diodes while supporting the diodes.


9. Claims 5, 6, 10 to 12, 17, 18, 21, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2737. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
November 22, 2005



Y Quach Lee
Primary Examiner
Art Unit 2875